

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7248

BILL NUMBER: HB 1254

NOTE PREPARED: Dec 30, 2004

BILL AMENDED:

SUBJECT: Violence Free Community Fee.

FIRST AUTHOR: Rep. Lawson L

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill has the following provisions:

- A. It establishes a Violence Free Community Fund.
- B. It provides that the fund is to be funded by a \$200 Violence Free Community Fee to be collected in specified felony cases that involve the use of a firearm or a deadly weapon.
- C. It requires the fee to be distributed to prosecuting attorneys to: (1) reduce the unlawful use of firearms; (2) promote firearm safety training; (3) reduce community violence; and (4) provide equipment for law enforcement agencies.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: The clerk of the circuit court would need to collect and transfer fees generated by this bill. The bill also requires each county auditor to establish a new account for a Violence Free Community Fund. The specific impact would depend on local action.

Explanation of Local Revenues: Based on commitments to the Department of Correction in 2004 and assuming each committed offender pays the full fee, an estimated \$186,000 might be collected from offenders sentenced for firearm violations and other violent crimes.

Under the bill, a \$200 Violence Free Community Fee would be assessed on convicted persons of crimes involving firearms, including various firearm violations, homicide, battery, kidnaping and confinement, sex crimes, and robbery as defined by the bill.

IC 35-41-1-8 defines a deadly weapon as a loaded or unloaded firearm, destructive device, weapon, device, taser, electronic stun weapon, equipment, chemical substance, or other material that is capable of causing serious bodily injury. In addition, an animal or a biological disease, virus, or organism that is capable of causing serious bodily injury may also be considered to be a deadly weapon.

Estimating Revenue – The following table estimates the new revenue that this fee would generate based on a five-year average of offenders committed to DOC facilities for weapons-related crimes under IC 35-47 and half of the number of offenders committed for a violent crime under IC 35-42.

| | Number of Offenders | |
|-----------------------------|--------------------------------|------------------|
| Weapons Related | 354 | |
| Violent Crimes | <u>580</u> | |
| Total Crimes | | 934 |
| Violence Free Community Fee | x | <u>\$200</u> |
| Total Estimated Fees | | \$186,800 |

Revenue collected from this fee would be deposited by the county auditor into the Violence Free Community Fund. The county fiscal body would be required to adopt an ordinance to appropriate the money in the fund to the prosecuting attorney of the county. The county fiscal body would not be permitted to transfer any money generated by this fee and appropriated to the prosecuting attorney for any other uses besides the uses specified in this bill.

State Agencies Affected:

Local Agencies Affected: County auditor, clerk of the circuit court, county fiscal bodies, prosecuting attorney.

Information Sources: Department of Correction.

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